

AN ANALYSIS OF THE IMPLEMENTATION OF THE  
FEDERAL FAIR LABOR STANDARDS ACT INTO  
A QUASI-GOVERNMENTAL AGENCY

A THESIS

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## CHAPTER I

### INTRODUCTION

On August 20, 1964, President Lyndon B. Johnson signed the Economic Opportunity Act. This legislation called for the mobilization of human and financial resources of the nation. The objectives of the legislation were to develop programs to help poor persons help themselves by providing opportunities for education and training, or in other words, "a better way of life." While this piece of legislation was still pending in Congress, Atlanta and Fulton County officials began making plans to establish a community action program. The outcome of these efforts by local officials and community persons resulted in the development of Economic Opportunity Atlanta (EOA) Incorporated, which operates as a private, non-profit corporation. Programs under the auspices of EOA include: Alcohol Treatment, Atlanta Manpower Program, Community Gardening Project, Employment Program, Head Start Child Development, and many more.

Funding sources today come from the Community Service

Administration (formerly the Office of Economic Opportunity), the Department of Labor, and the Department of Health, Education, and Welfare. As a result of the provisions of the Fair Labor Standards Act of 1938, as amended in 1974, coverage was provided for an additional seven million workers in occupations such as cooks, chauffeurs, and domestic workers. These provisions eliminated or reduced certain exemptions and improved child labor protection. Economic Opportunity Atlanta will have to change their 173 job titles to exempt or non-exempt positions, diversify individual employees' schedules to fit their work requirements, and develop records, forms and procedures for recording time worked by each non-exempt employee. Also, managers and supervisors will need to keep more accurate time records on daily and weekly bases, as well as to interpret the legislation to employees. Finally, the agency will have to revise its Merit System policies to reflect changes as required by FLSA provisions. However, implementing any type of change in an organization will constitute a negative or a positive result, depending on attitudes of administrators and other staff.

The purpose of this project is to review administrative problems encountered when a quasi-governmental agency has to comply with a federal law. This analysis will review

the classification of employees affected by the FLSA and reactions of employees to their status. A non-exempt status allows an individual to receive a rate of one and one-half times his or her regular pay for all work in excess of forty hours per week. Exempt employees are not subject to the overtime provision of the FLSA. However, there may be some exceptions to the rule. Undoubtedly, the implementation of this act could affect such variables as job satisfaction, job performance, and job productivity. This project will further propose strategies for the solution of the problems that may develop from the implementation of the Fair Labor Standards Act into quasi-governmental agencies as well as for recommendations for agencies in implementing the FLSA.

Chapter I gives the history and development of the Fair Labor Standards Act and how the act became law in 1938, as well as its extension of coverage through the years. This chapter will also include discussions of procedures that all agencies must follow if such agencies come under provisions of the FLSA. Here, this applies specifically to the minimum wage provisions of the FLSA. Conclusively, Chapter I will discuss the constitutional basis that is vested in Congress in its jurisdiction over inter-state and intra-state commerce. Chapter II is a review of selected

agencies which have implemented the FLSA into their administrative and organizational operations. In addition, this chapter will provide an analysis of interviews held with various personnel at the Metropolitan Atlanta Rapid Transit Authority (MARTA), the Atlanta Regional Commission (ARC), the Atlanta Housing Authority (AHA), and with two private agencies--the First National Bank of Atlanta and the Atlanta Constitution/Journal Newspaper. These agencies listed come under the Fair Labor Standards Act.

Chapter III presents an analysis of the administrative processes which were used as EOA implemented the FLSA within its agency. This chapter also reviews literature published by the Department of Labor (DOL) used by EOA in its efforts to classify executive, professional, and administrative personnel. Chapter IV looks at the effect of organizational change on agencies. There are two approaches to the dynamics of planned change. This thesis is based on the nature of organizations need for change (unfreezing), for the establishment of a change relationship, working toward change (moving), for the stabilization of change (freezing), and for achieving a terminal relationship. The first can be termed as the structural approach and the second as the behavioral approach. Finally, this chapter will identify,

as well as recommend, strategies for assisting other agencies in implementing the Fair Labor Standards Act.

History and Development of the  
Fair Labor Standards Act

As the postwar era began, there were four sets of federal wage hour laws in general operation. Three of the four were as follows: (1) the eight hour law, (2) the Davis Bacon Act of 1931, and (3) the Walsh-Healy Public Contract Act of 1936 which applied only to work done under contract to the federal government and was limited in scope. The fourth and most important was the Fair Labor Standards Act (FLSA) of 1938 (PL-75-718), which generally applied to private industry.

Employers were required to pay workers a minimum wage of twenty-five cents per hour, raising this to thirty cents per hour by October 24, 1939, and then to forty cents per hour by October 24, 1945. In addition, the law also required employers to pay time and a half for work in excess of forty hours a week. Although the minimum wage and overtime provisions applied to private firm employees who worked in interstate commerce, it also covered most workers in mining, manufacturing, construction, trade, communication, transportation, utilities, finance, and other related

activities. However, the act did exempt millions of workers, notably administrative and professional personnel, outside salesmen, all farm and some farm-processing workers, domestic servants, and nearly all retail and service workers.<sup>1</sup>

Congress has amended the law four times since its enactment (1949, 1955, 1956, and 1974). The amendments raised, through a series of steps, minimum wages as follows: to seventy-five cents (\$0.75) per hour in 1949; to one dollar (\$1.00) per hour in 1955; to one dollar and fifteen cents (\$1.15) per hour in 1961; and to a dollar and twenty-five cents (\$1.25) per hour in 1963. Also, in 1961, retail and service workers employed by firms with gross annual sales in excess of one million dollars were brought under the provisions of the act.<sup>2</sup> In 1966 Congress made provisions to the law by extending minimum wage requirements to businesses with gross annual sales of \$250,000 or more as well as to some federal employees. The 1966 provisions also extended coverage to certain farm workers and scheduled a gradual increase in their wages to a minimum of one dollar and thirty cents an hour.<sup>3</sup>

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<sup>1</sup>Congress and the Nation 1945-1964, Congressional Quarterly Service (Washington, D.C., 1965), p. 652.

<sup>2</sup>Ibid.

<sup>3</sup>Congressional Quarterly Almanac, 93rd Congress, 2nd Session, 1974, Vol. XXX, Washington, D.C., p. 633.

In addition to the original Act of requiring forty cents an hour and the forbidding of interstate shipment of goods produced with "oppressive child labor," the 1974 amendments also required equal pay, record keeping, and child labor standards for all covered employees.

The amendments to the FLSA, effective May, 1974, added coverage for many additional workers and increased the minimum wage for others already covered. It also broadened the definition of enterprises subject to the act.

An enterprise is defined in the act to mean the related activities performed either through unified operations or common control, by any person or persons for a common business purpose. The enterprise includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units. Activities in connection with the operation of the following are among others covered by the act:

- A. Elementary and secondary schools and preschools
- B. Public agencies, including state and local governments

However, coverage of such enterprises does not depend on whether they are public or private, or operated for profit or not for profit.<sup>4</sup>

Among other things, the amendments extended the minimum wage and overtime provisions of the act to

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<sup>4</sup>U. S. Department of Labor, Handy Reference Guide to the Fair Labor Standards Act. Employment Standards Administration Wage and Hour Division, Publication 1282 (rev.), October, 1975, p. 10



additional governmental employees and to domestic service workers. It also established different minimum wage requirements for employees in activities covered by the act prior to 1967 and for those activities that came under the FLSA as a result of provisions in 1966, 1972, and 1974. In reference to basic wage and hour standards, employees in previously covered activities (i.e., covered prior to February, 1967), unless specifically exempt, must receive:

Beginning May 1, 1974, not less than \$2.00 an hour.  
Beginning January 1, 1975, not less than \$2.10 an hour.  
Beginning January 1, 1976, not less than \$2.30 an hour  
and unless specifically exempt, at least one and one-half times the employees' regular rate of pay for all hours worked in excess of forty hours in a work week.<sup>5</sup>

Likewise, the employees in newly covered activities (i.e., covered in 1967 or later), unless specifically exempt, must receive:

Beginning May 1, 1974, not less than \$1.90 an hour.  
Beginning January 1, 1975, not less than \$2.00 an hour.  
Beginning January 1, 1976, not less than \$2.20 an hour.  
Beginning January 1, 1977, not less than \$2.30 an hour  
and unless specifically exempt, at least one and one-half times the employees' regular rate of pay for all hours worked in excess of forty hours in a work week.<sup>6</sup>

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<sup>5</sup>Ibid., p. 3.

<sup>6</sup>Ibid.

The Fair Labor Standards Act as it Relates  
to Economic Opportunity Atlanta, Inc.

Economic Opportunity Atlanta, Incorporated is covered by the Fair Labor Standards Act for the following reasons: the activities and programs of EOA are covered by the definition of the Supreme Court's interpretation of interstate commerce since telephone calls and materials cross state lines. Another reason for including EOA under the interpretation is due to the fact that its income as a private agency exceeds \$250,000.

Economic Opportunity Atlanta, Incorporated minimum wages of \$4,725 per year, or \$2.28 per hour, meets the minimum requirement until January, 1977, when the minimum wages go up to \$2.30 an hour. In addition to identifying exempt and non-exempt (exempt-ineligible for overtime compensation; non-exempt-eligible for overtime compensation) employees, the agency must diversify individual employees' schedules to fit their work requirements, develop records, forms, and procedures for recording time worked by each non-exempt employee. Also, managers and supervisors will need to keep more accurate time records daily and weekly, and monitor them closely. The agency is to inform and interpret the legislation to employees and then revise the merit system

policies to reflect the modifications according to procedures.

As Congress sets the standards in creating an administrative agency, it gave the U. S. Department of Labor guidelines which it may expand their authority. The act is administered by the Department of Labor; therefore, reliance must be put upon the original act as amended, official and unofficial publications of DOL, Code of Federal Regulations, and interpretations by DOL and case laws as they develop.

The elimination and revision of various exemptions by the 1974 amendments have extended the application of the minimum wage provisions to certain workers and changed the overtime status of other employees. In retrospect, Economic Opportunity Atlanta with 173 job titles has exempted ninety-nine of these titles which fall under the scope of the FLSA. (See Appendix A.)

#### Constitutional Basis

Generally speaking, interstate commerce is business transacted across state lines; on the contrary, intrastate commerce is business conducted wholly within a single state. However, in various decisions, the United States Supreme Court held that the reach of Congress in regulating

interstate commerce was extremely broad and in effect covered almost every type of business activity. Not only does Congress regulate shipments of goods which are transacted across state lines, but also numerous related activities occurring both before and after actual interstate shipment.<sup>7</sup>

The court held that if Congress exercised its full power over interstate commerce, it could regulate a business if it performed any one or more of the following activities: (1) production of goods intended for shipment across state lines (production for interstate commerce); (2) actual shipments and transactions across state lines (interstate commerce itself); (3) resale of goods that had been produced in, or shipped from, another state before reaching the ultimate seller (sale of goods that had moved in interstate commerce).<sup>8</sup> Under this last category, it did not matter whether a retailer purchased the goods directly from out of state or simply from a wholesaler who had previously bought them from out of state; nor did it matter whether the retailer made

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<sup>7</sup>"Congress and the Nation, 1945-1964," Congressional Quarterly Service, Washington, D.C., 1965, p. 652.

<sup>8</sup>Ibid.

any sales directly across state lines, the retailer was regulable.

Each of the three broad categories covered different types of firms in the interstate sequences of production and distribution of merchandise. The first category, production for interstate commerce, applied mainly to activities like manufacturing, mining, and agriculture. The second, interstate commerce itself, covered primarily shipping, transportation, telephone and telegraph, as well as other communications, banking, wholesaling, and finance. The third applied to retail and service businesses.<sup>9</sup>

As a result, there was some overlapping which proved to be of great significance in the FLSA. A retail or service business might normally be regulable as a seller of goods that had moved in interstate commerce, but under certain conditions, it also might be regulable on grounds it was producing for interstate commerce or was directly engaged in interstate commerce. Thus, if goods were purchased for resale directly from out of state, or sales were made directly across state lines, (for example, deliveries made by mail or or truck to a customer in another state), or a service was

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<sup>9</sup>Ibid.

performed that required the service person to cross state lines, then the retail or service firm involved was engaged directly in interstate commerce. If, in addition, before mailing or delivering goods out of state, a retail store wrapped, labeled or otherwise prepared them for shipment, (which was inevitable), then it was also producing for interstate commerce.<sup>10</sup>

Still a fourth category of firms was regulable by Congress under the interstate commerce power--firms engaged neither in production for interstate commerce, direct interstate transactions, nor in the distribution of goods that had moved in interstate commerce, but simply in some activity having an impact on interstate commerce. The classic example was a purely local service business that competed in its locality with an interstate firm. The term "affecting" interstate commerce was usually used as a broad legal blanket taking in all four categories of activities relating to interstate commerce as described earlier.<sup>11</sup>

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<sup>10</sup>Ibid.

<sup>11</sup>Ibid.

CHAPTER II

ADMINISTRATIVE PROBLEMS RELATING TO THE  
IMPLEMENTATION OF THE FAIR LABOR  
STANDARDS ACT INTO OTHER  
SELECTED AGENCIES

As a result of the Fair Labor Standards Act being implemented into other agencies, most agencies prior to the extension of coverage, were in close proximity with the act. After interviewing personnel of various quasi-public and private agencies, the aspect of proximity was observed. Some were above the minimum wage requirements as a result of union affiliation, some managed to monitor their employees' working hours as well as to develop records and forms. This, undoubtedly, was the result of good administration. In all of the cases, once an agency came under the scope of the FLSA, its major concern was staffing (exempt; non-exempt) their employees and setting procedures for recording time worked by each non-exempt employee. This task was more difficult for some than for others.

Quasi-Public AgenciesMetropolitan Atlanta Rapid  
Transit Authority

MARTA is an agency of local government created by an act of the Georgia General Assembly in 1965. It was approved by the voters in Fulton, DeKalb, Clayton, and Gwinnett counties as well as in the City of Atlanta in referenda the same year. The Authority officially came into being January 3, 1966. MARTA's task is to build and operate a coordinated bus and rail transit system for the Metropolitan Atlanta area as approved by the voters. On February 17, 1972, MARTA purchased the Atlanta Transit System (ATS) and on March 1, reduced the forty cents ATS fare to a level of fifteen cents fare on all routes operated in Fulton and DeKalb counties. The proposed MARTA rapid rail and busway system is to consist of 60.9 miles of rapid rail and busway lines in Fulton and DeKalb counties. The agency receives eighty percent of its funds from the Urban Mass Transportation Authority (UTMA). In addition, collateral is received from their fair box collection as well as a one percent sales tax which was approved in the referenda.

MARTA did not come under the scope of the FLSA until the amendments of 1974. According to Thomas Charles Allen,



senior associate counsel, "MARTA did not have to abide by the FLSA until the 1974 amendments. In addition, prior to the 1974 amendments along with firefighters, policemen, federal agencies, and sub-divisions, MARTA was exempted from the scope of the FLSA."<sup>12</sup> However, when MARTA did implement the law into its agency, its most timely concern was classifying employees to an exempt or non-exempt status. It used the criteria as spelled out by the Department of Labor, Wage and Hour Division, and that of the salaries of its employees.

Implementing the FLSA into MARTA was a smooth operation. Basically because in the days of the ATS, through collective bargaining and agreements with the division of Amalgamated Transit Union, there was already a provision to provide time and a half for all work in excess of forty hours in a work week.<sup>13</sup>

There is a speculation here, that since ATS was a private agency it was already under the scope of the FLSA. The 1938 Act applied to private industries, and in 1966 it was extended to businesses with a gross annual sales of \$250,000 or more. This information was difficult to obtain. But, as a result of ATS overtime policy, when MARTA was created, it maintained the policy of the Atlanta Transit Authority.

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<sup>12</sup>Thomas C. Allen, Interview held in the MARTA building, 1300 Equitable Building, Atlanta, Georgia, June, 1976.

<sup>13</sup>Ibid.

Employees under this policy work 37.5 hours in a work week, which allows 2.5 hours to be utilized for overtime when it is necessary.

#### Atlanta Regional Commission

The Atlanta Regional Commission, which comes under the scope of the FLSA, implemented the law into its agency in May of 1973 and revised it in May of 1974. The ARC is a regional planning and intergovernmental coordination agency created by the local governments in the Atlanta region pursuant to legislation passed too by the Georgia General Assembly. Today, the agency encompasses Clayton, Cobb, DeKalb, Douglas, Fulton, Dwinnett, and Rockdale counties of Georgia. The agency is not a government; instead it is the forum by which officials of local governments get together to solve mutual problems and to decide issues of regionwide importance. While most of the work of the ARC is in areas of planning, it does not implement plans. The power to implement regionally adopted plans rests with local governments and state agencies. However, ARC encourages implementation of regional plans through its review and comment process concerning both local application for federal funds and plans which have regional impact.

The agency is funded by local, state and federal funds. Georgia law stipulates a mandatory annual local funding formula for each county which contains no portion of the City of Atlanta, thirty cents per capita plus \$2,000; for each county which contains a portion of the City of Atlanta thirty cents per capita for each resident outside the city and twelve cents per capita for each resident inside the city plus \$2,000; and for the city of Atlanta, eighteen cents per capita plus \$2,000. In addition to its functions in planning, ARC lends staff support services, technical assistance programs for local governments and data-gathering and interpretation. In retrospect, it was ARC which gave technical assistance and advice to local governments in their implementation of the FLSA. According to Guy A. Landers, Personnel Director of ARC, "The Act as amended May of 1973 and revised May, 1974, had very little impact on our agency."<sup>14</sup> He stated that ARC, "with a total number of 150 employees, the majority of them were exempt."<sup>15</sup> "Therefore, as far as overtime is concerned, we monitor non-exempt employees closely as to whether they will work over forty hours."<sup>16</sup>

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<sup>14</sup> Guy A. Landers, Interview held in Equitable Building, 9th Floor; Atlanta, Georgia, June, 1976.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

Mr. Landers indicated that ARC had to become very knowledgeable about the FLSA because of the reliance of local governments upon ARC for interpretation of the act. As a result, he had to attend a seminar in Washington, D. C. on the FLSA to assist those local governments affiliated with ARC.

#### Atlanta Housing Authority

The AHA was created by the City of Atlanta in 1938 as a non-profit corporation. It is not a federal agency, nor is it directly controlled by the state or the city. But, because it operates under the state's Housing Law, it is subject to federal laws and regulations to the same extent as any private corporation would be subject to them if it borrowed money from the federal government.

The primary purpose of the Authority is to provide decent, safe, and sanitary housing at low rental income so families of low to moderate incomes can afford them. The agency also help to eliminate slums and blight in certain designated urban renewal areas through redevelopment and rehabilitation. The AHA consists of a five-member commission, appointed by the Mayor, for rotative five-year terms, and two resident commissioners, also appointed by the Mayor, for one-year terms. The resident commissioners have no vote and all

commissioners serve without pay and act as a Board of Directors. The agency's main source of funding is the United States Department of Housing and Urban Development (HUD).

This agency also came under the scope of the FLSA in May, 1974. According to Gordon Geeter, Director of Personnel for the agency:

AHA was already above the minimum wage requirement as set forth in the act. The Authority with a total of approximately 1,235 employees, including part-time employees, has a minimum wage of \$2.42 which is well above the minimum wage limits of the FLSA.<sup>17</sup>

He indicated further: "This was a result of union affiliation with the maintenance operations of the agency."<sup>18</sup> Also, "prior to the implementation of the FLSA, managers and professional people might have received overtime compensation, but this is no longer the case."<sup>19</sup>

Mr. Geeter also stated: "The most time consuming effort of the agency in implementing the law was the staffing of exempt and non-exempt employees. This classification will enable us to define those jobs which should pay overtime."<sup>20</sup>

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<sup>17</sup>Gordon Geeter, Interview held at the Atlanta Housing Authority Building, 739 W. Peachtree Street, Atlanta, Ga., June, 1976.

<sup>18</sup>Ibid.

<sup>19</sup>Ibid.

<sup>20</sup>Ibid.

As a result of interviewing various personnel in public and quasi-governmental agencies, I visited City Hall to determine the extent to which governmental agencies have implemented the FLSA. In a visit to the City of Atlanta Bureau of Labor Relations, the only assistance they could give was the opportunity to look at the rules and regulations booklet, which has to be approved by the City Council. Although throughout the booklet the FLSA was not mentioned specifically, it did refer to the act in reference to discrimination against employees, equal pay requirements, and overtime. In reference to overtime: "When approved by the Mayor, persons may be compensated by equivalent time off for exempt employees over range 68 (\$16,913) and at regular pay as well for non-exempt employees, as stated in the Fair Labor Standards Act of 1938, as amended."<sup>21</sup> In addition, all overtime must be approved in advance by an employee's supervisor and authorized by the personnel director.<sup>22</sup>

As a result of the City of Atlanta coming under the scope of the FLSA, as amended to extend coverage to governmental agencies, the City of Atlanta was in compliance

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<sup>21</sup>Bureau of Labor Relations, "Civil Service Rules and Regulations Booklet," Atlanta, Ga., June, 1976.

<sup>22</sup>Ibid.

with most provisions of the FLSA. This aspect came to be observed by other acts which cities were already adhering to. Such acts included the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the Age Discrimination in Employment Act of 1967.<sup>23</sup> Information was not available as to any problems encountered by Atlanta City Government in its reclassification of employees. The only information available as far as classifying exempt or non-exempt employees were the cases of firefighters and policemen. The question here is that there is no clear definition whether firemen or policemen come under the definition of commerce. If they do, then they would be eligible for overtime compensation. Because of the uncertainty of the matter, the National Governors' Conference sued the DOL on those parts of the 1974 amendments to the FLSA.<sup>24</sup> However, at this point and time, the suit is still pending before the United States Supreme Court, with an expected opinion to be rendered in late June.

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<sup>23</sup>Ibid.

<sup>24</sup>Mary C. Cooney, Interview at the Department of Law, City of Atlanta, Atlanta, Ga., June, 1976.

Private Agencies

Throughout the interview with the Atlanta Regional Commission, it was mentioned that public agencies are less likely to implement the Act than private agencies. Gordon Geeter of the Atlanta Housing Authority indicated he had worked in industry prior to coming to the Authority in 1971. He felt it would make no difference as to whether it was private or public, "the law is law." As a result of the conflicting views, two interviews were set up with private agencies. A third interview did not materialize.

Atlanta Journal/Constitution

The Atlanta Journal and Constitution, which merged in June of 1950, has as its main source of funding, advertising. The Atlanta Constitution was established in 1868 and the Journal in 1883. As a result of the interview, it was discovered they are under the scope of the FLSA Act. They have as many as 2,000 employees with the number of exempted employees listed as "many."<sup>25</sup> However, one problem which this corporation encountered was the classification of photographers. There have been two court cases as to

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<sup>25</sup>Pat Dewberry, Interview, Atlanta Constitution/Journal, Atlanta, Ga., June, 1976.



whether they should be exempt or non-exempt employees. However, they are not subject to the overtime provision because of the professional nature of their jobs based on the court's decision.

Are private agencies complying with all of the requirements of the FLSA? In one circumstance it can be established that the Atlanta Journal/Constitution does not.

Within its Circulation Department, which has a section where patrons are solicited on the telephone, the work is part-time, four hours per day. Once a week, one or maybe two individuals stay for an additional thirty minutes. The work can become routine and non-productive.<sup>26</sup> However, the rate of pay is \$2.00 an hour, including commission. For every daily and Sunday paper you sell, there is a \$.65 commission. In addition, every subscription sold included a commission of \$.45 for daily and \$.20 for Sunday sales.<sup>27</sup> Under the Fair Labor Standards Act, an employee must be compensated for all hours worked. As a general rule, the term "hours worked" will include: (a) all time during which an employee is required to be on duty or to be on the employer's premise or

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<sup>26</sup>Part-time work, by the writer, Atlanta Journal/Constitution, Atlanta, Georgia, June, 1976.

<sup>27</sup>Ibid.

at a prescribed work place and, (b) all times during which an employee is permitted to work, whether or not he is required to do so.<sup>28</sup> The minimum wages as of January 1, 1976 are required to be placed at \$2.20 an hour.

#### First National Bank of Atlanta

In an interview with Ms. Jennie Newman, Vice President of the First National Bank of Atlanta on Marietta Street, it was not established when the FLSA affected its operation.

Ms Newman stated:

The bank had around 200 employees when she came in 1970, and employees were already classified in an exempt or non-exempt status. Also, wages paid under the minimum salary scale by the First National Bank are above those of the FLSA. In reference to discrimination, a major suit against the First National Bank was won by black women employees in 1973. This suit was filed as a class action to correct abuses in the hiring and promotion of blacks.<sup>29</sup>

#### Employees Reactions

Change is inevitable. Sometimes it is the result of planned action, sometimes of reaction, and sometimes of no

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<sup>28</sup>U. S. Department of Labor, Overtime Compensation, Under the Fair Labor Standards Act, Washington, D. C., Wage and Hour and Public Contracts Division, January 31, 1969, Section 778,223, p. 24.

<sup>29</sup>Jennie Newman, Interview - First National Bank of Atlanta, First National Bank Building, Second Floor, June, 1976.

action at all. Change can improve things or it can make them worse. However, as it occurs, change takes place almost continuously in virtually all organizations unless they are already moribund.

Organizational change can be referred to as significant alterations of the behavior patterns of a large part of the individuals who constitute any organization. There has been a tendency by students of organizational theory to give too little attention to the effects of organizational change on individual behavior. Implementing the FLSA into any agency would constitute organizational change. As a result of the interviews, one may now ask what some of the advantages and disadvantages of implementing the FLSA are, and how the FLSA has affected employee's attitudes, as well as those attitudes of managers and supervisors (see questions five and six on interview sheet, Appendix B). In all, non-exempt employees did not encounter any difficulties when the FLSA was implemented. However, implementation of the FLSA had a significant impact on those employees classified as exempt. Exempt employees (executive, administrative, and professional) are paid high salaries which justify their not receiving extra pay or compensatory time for work beyond forty hours per week.

The following table illustrates responses given in an interview by agencies as to the number of exempt and non-exempt employees:

TABLE 1

AGENCIES' RESPONSES REGARDING EXEMPTED  
AND NON-EXEMPTED EMPLOYEES

Agencies	Number of Exempt Employees	Number of Non-Exempt Employees	Non- Responses	Total Number of Employees
Atlanta Housing Authority	450	1,850		2,200
Atlanta Regional Commission			0	150
Metropolitan Atlanta Rapid Transit Authority	400	1,571		1,971
First National Bank of Atlanta			0	2,000
<u>Atlanta Journal/ Constitution</u>			0	2,000

The data in the table reveals that out of the five agency interviews, only two would indicate the number of exempt or non-exempt employees. However, three agencies did not supply the necessary information as to the number of employees classified as exempt or non-exempt.

### CHAPTER III

#### AN ANALYSIS OF THE IMPLEMENTATION OF THE FAIR LABOR STANDARDS ACT INTO ECONOMIC OPPORTUNITY ATLANTA, INCORPORATED

Bringing an agency into compliance with a federal law is no easy task. Implementing the Fair Labor Standards Act (FLSA) into Economic Opportunity Atlanta, Inc., was no exception. This will be seen through the process undertaken by EOA to implement the FLSA.

Agency personnel did the ground breaking research in first understanding the language of the law, and how it was to apply to EOA. In addition, they were responsible for the staffing of the employees (exempt - non-exempt). Following the analysis of personnel; it was then sent to the Executive Administrator for review. The analysis was also scrutinized by EOA's personnel committee and by the Board of Directors. The final phase of the implementation of the law consisted of the personnel staff interpreting the law to managers and

to division heads. The law also required representatives of the Wage and Hour Division (Department of Labor) to investigate and to gather data regarding the wages, hours, and other conditions and practices of employers. Also, they were to investigate whatever facts, conditions, practices, or other matters considered necessary to find out whether any person had violated any provision of the act.

To give some indication of the role of the Wage and Hour Division, they had won more money for United States wage earners so far this year than they had in their annual budget, according to its chief, Ronald J. James. In the first eight months of the 1975-76 fiscal year, James said, "workers across the country have received \$48.5 million in back pay as a result of negotiated settlements with their employers and in lawsuits which forced employers to comply with minimum wage legislation."<sup>30</sup>

In addition, James said \$10.8 million of the back pay went to workers in the eight-state Atlanta region. Of that amount, \$1.5 million was distributed in Georgia. James also stated, "It is time we take a more rational approach to needed increments in minimum wage than running back to

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<sup>30</sup>"Agency Shows Profit: \$48.5 Million Awarded in Wage Enforcement," Atlanta Constitution, April 1976, Sec. 2A, p. 2.

Congress every time," (citing a cumbersome practice that had been followed since the establishment of the first twenty-five cents an hour minimum wage in 1938).<sup>31</sup> To say the least, the Department of Labor, Wage, and Hour Division will be auditing how EOA implemented the act into its organization.

One approach in determining which employees would be exempt from overtime compensation, was to classify all employees in a salary range below \$155 per week as non-exempt and all employees in a salary range above \$250 per week as exempt. Jobs in the area between \$155 - \$250 were defined as the gray area. It was suggested by the Department of Labor that an individual making \$155 per week (\$8,100 yearly) or below would hardly be involved in work of an exempt nature. On the contrary, an individual in a job category receiving \$13,000 annually (\$250 weekly) is more likely to be engaged in work that requires supervisory, intellectual, and professional tasks. However, an individual could be in this salary range and not meet other exemption requirements.

One approach to identifying exempt employees from non-exempt employees within the "gray" area was to review

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<sup>31</sup>Ibid.

job descriptions which would indicate whether work was intellectual, supervisory, or professional in nature. In addition to the salary range of \$250 or more, the criteria outlined in the literature must also be adhered to. There cannot be significant discrepancies between official literature by the DOL and salary criteria at EOA in determining the status of employees. The rationale was that in using only job descriptions, they only determine an individual's work performance, but they were not always accurate in determining an individual's actual job functions.

#### Review of Literature

A review of the literature by the Department of Labor regarding EOA exemption of executives, professional, and administrative personnel has revealed the following:

#### Executives

An executive is defined as an employee whose primary duty consists of the management of a recognized department of an enterprise or the enterprise itself. The individual customarily and regularly directs the work of two or more other employees. In addition, he must have the authority



of hiring or firing employees. Also, he must customarily and regularly exercise discretionary power and cannot devote more than twenty percent, or in the case of an employee of a retail or service establishment, cannot devote no more than forty percent of his or her work hours in a work week to activities which are not directly and closely related to the performance of the work described.

The individual at an executive level must be compensated for his services on a salary basis at a rate of not less than \$155 per week, or \$130 per week, if employed by other than the federal government in Puerto Rico, in the Virgin Islands, or in American Samoa (exclusive of board, lodging, or other facilities). In addition, the executive's primary duty must consist of the management of an enterprise in which the employee is employed by a customarily recognized department or by a subdivision thereof; and which includes the customary and regular directions of work of two or more employees therein and shall be deemed to meet all the stated requirements.<sup>32</sup>

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<sup>32</sup>U. S. Department of Labor, "Defining the Terms Executive, Administrative, Professional, and Outside Salesmen," Regulations Title 29 of the Code of Federal Regulations, February 19, 1975, Sec. 541.1, pp. 1-2.

### Administrators

In defining an administrator, the individual's primary duty should consist of either the performance of office or non-manual work directly related to management policies or of general business operations of his employer's customers; also, the performance of functions in the administration of a school system, educational establishment or institution, or of a department or a subdivision thereof. The work must be directly related to the academic instruction or to the training carried on within the various institutions.

Administrators must regularly exercise discretion and independent judgment and directly assist a proprietor, or an employee employed in a bona fied executive or administrative capacity. They must perform only under general supervision of work along specialized or technical lines requiring special training, experience, or knowledge executed under general supervision, special assignments, and tasks. They should not devote more than twenty percent, or in the case of an employee of a retail or service establishment, no more than forty percent of their work hours in the workweek to activities which are not directly and closely related to their performances described.

Individuals are compensated for their services on a salary or fee basis at a rate not less than \$155 per week, if employed other than the federal government in Puerto Rico, in the Virgin Islands, or in American Samoa (exclusive of board, lodging, or other facilities). Also, an administrative employee is compensated on a salary or fee basis at a rate of not less than \$250 per week, or \$200 per week if employed other than in the federal government in Puerto Rico, in the Virgin Islands, or in American Samoa (exclusive of board, lodging, or other facilities). Their primary duty must consist of work performance as described in the section of the Federal Register which includes work requiring exercises of discretion and independent judgment.<sup>33</sup>

#### Professional

Professional employees' primary duties must consist of work requiring knowledge of an advanced type in a field of science or in learning customarily acquired by a prolonged course of specialized intellectual instruction and study. This is distinguished from general academic education, from apprenticeship, and from training in the routine performances of mental, manual, or physical processes. However, their work is to be original and creative in character in a

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<sup>33</sup>Ibid., Sec. 541.2, p. 2.

recognized field of artistic endeavor by which the result depends primarily on the invention, imagination, or talent of the employee. Another element of a professional employee, is that of teaching, tutoring, instructing, or of lecturing in activities imparting knowledge; and, whereby, the individual is employed and engaged in these activities as a teacher in a school system or in an educational establishment or an institution by which he or she is employed. The work itself requires the consistent exercise of discretion and judgment in its performance as well as being predominantly intellectual and varied in character. It is of such character that the output produced or results accomplished can not be standardized in relation to a given period of time. The employee should not devote more than twenty percent of his work hours in the workweek to activities which are not an essential part of the work described.

The individual is compensated for services on a salary or fee basis at a rate of not less than \$170 per week, or \$150 per week if employed other than the federal government in Puerto Rico, in the Virgin Islands, or in American Samoa, and this is exclusive of board, lodging, or other facilities. However, this does not apply in the case of an employee who is the holder of a valid license or a certificate

permitting the practices of law and medicine, or any of their branches. Employees who are holders of a requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of medicines of any of its branches are not under the \$170 provision.

In addition, an employee is compensated on a salary or on a fee basis at a rate of not less than \$250 per week, or \$200 per week, if employed other than the federal government in Puerto Rico, in the Virgin Islands, or in American Samoa (exclusive of board, lodging, or other facilities). Also, other primary duties must consist of work that requires consistent exercises of discretion, of judgment, of invention, of imagination, or of talent in a recognized field of artistic endeavor.<sup>34</sup>

Another approach used to classify employees was to develop a Fair Labor Standards Act allocation sheet for interviewing managers and department heads. Also, a checklist was developed for each individual's reply (see Appendix C). However, this approach was established as being somewhat invalid and was eventually docked. It was assumed by

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<sup>34</sup>Ibid., Sec. 541.3, p. 2.

personnel that managers would tell personnel "John Doe" is exempted because he supervises two or three employees, but the employees that John supervises may not only hold the same job position, but also may be on the same salary level.

In preparing work schedules, managers of EOA are required to prepare such schedules which have no more than forty hours work per week for each employee covered by the overtime provisions of the FLSA. This is done in order that employees would stay in the forty hour week limitation. For an example of an employee's work schedule, (see Appendix D). EOA's regular working hours are from 8:30 a.m. to 5:00 p.m.; an employee averages 7.5 hours per day, 37.5 hours per week. In addition, the work schedules should be signed by the employee and initiated by managers at the end of each work week. Managers must not let employees begin work before they are scheduled or after their day ends. This implies that employees must be away from their desks during hours off (lunch, end of work day, etc.). Finally, every employee should record on the work schedule his or her actual hours worked. These are to be checked frequently by the manager and the timekeeper.

However, in the event an employee works over forty hours, say for example, to attend a night meeting, the

director, manager, or his/her supervisor who "permits" overtime for a non-exempt employee must make a request for overtime on an agency "overtime authorization form" and must submit it to his or her supervisor for approval (see Appendix E). This approval must be given before the overtime is actually worked. However, EOA's work schedules are actually set up for an employee to work 2.5 hours over the 37.5 hours a week.

As a result of the FLSA being reviewed by the Executive Administrator, Mr. William Allison expressed concern as to whether Economic Opportunity Atlanta, Inc., is subject to the overtime provision of the FLSA. With a fixed budget EOA has threats of cutbacks from the federal government and a financial crisis which could stem from paying employees overtime.

According to Attorney Leonard C. Lewellen, "one potential problem that needs to be emphasized is that EOA might be considered as being subject to the overtime provisions since its initiation (1965)--at least on an individual employee basis."<sup>35</sup> This was because the Fair

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<sup>35</sup> Attorney Leonard C. Lewellen, "A Letter to Mr. William Allison, Executive Administrator, EOA, Inc.," August 13, 1975.

Labor Standards Act Amendments of 1974 changed the overtime provisions so as to broaden the coverage, but prior to these amendments an employee could be covered individually, simply because he or she was engaged in interstate commerce. However, this would not make every employee of EOA subject to the overtime provision, but it could mean that all employees engaged in commerce have been covered since EOA's beginning. If EOA is subjected to the overtime provision as stated in the law, the possibilities of employees requesting back pay could only refer back to January, 1974, because of a two-year statute of limitations.

The primary function of the personnel committee is to discuss the classification of employees under the FLSA as amended and to make revisions to the Merit System Manual. For example, the committee recommended that the following paragraph be inserted in Chapter 12, Section 3 of the Merit System Manual:

Employees in positions with salaries between \$155 per week (\$8,100 per year) and \$250 per week (\$13,225 per year) will be classified as exempt or non-exempt under the Fair Labor Standards Act as amended according to the criteria and conditions of the Act. All positions in the Agency must be identified as exempt or non-exempt under the Fair Labor Standards Act, as amended.



As a result of the personnel committee's recommendations, the Board of Directors approves revisions to the Merit System Manual.

CHAPTER IV

RECOMMENDATIONS FOR IMPLEMENTING THE  
FAIR LABOR STANDARDS ACT INTO  
SELECTED AGENCIES

Before suggesting recommendations of implementing the FLSA into various agencies, it is assumed that the implementation of such an act would constitute change in the operation of any organization. This can be defined as "organizational change." As there is a need for organizations to cope with change, it is evident that there are two basic categories of social change. One type is unplanned change which will happen to and in all organizations. A second category of change is "planned change." This type can be defined as a conscious, deliberate, and collaborative effort to improve the operations of a system through the utilization of knowledge. Implementing the FLSA into an organization could constitute planned change.

Although it has been implied that people resist change, research shows you can change people. What they

resist are the methods which are used to put change into effect. The word and concept of "change" is feared because it upsets a way of doing things and threatens security. However, this feeling is balanced by a desire for new experiences and for the benefits that may come as a result of change. As a result of the interviews of various agencies as discussed in Chapter II, it was discovered that the only concern of employees who possibly would be affected by the implementation of the FLSA would be exempt employees (managers, supervisors, and professional personnel). This concern stems from the perspective that they would not be entitled to the overtime provision of the FLSA. As a result, this could have bearing on line and staff relationships.

The approaches to organizational change has four interacting variables. They can be termed task, technology, people, and structure. The task variable is seen as the primary output variable, while people, technology, and structure are seen as potential strategies for organizational change. The differences between the terms technological and structural approaches are so similar and overlap in areas that they are usually used together. Therefore, organizational change can be roughly divided into two areas. They

are the structural approach and the human behavior approach.<sup>36</sup>

The structural school of thought can be traced to the scientific management and administrative science movements early in this century stimulated by F. W. Taylor and Henri Fayol. This scientific approach was directed at discovering the best way to organize. The most established structural perspective in organizational change has been cited by the interactionist school. This school approaches social organizations in terms of patterns of activities, of sentiments, and of interactions. This view is based on the idea that one does not change attitudes and behaviors by teaching new skills but rather by changing the interactional structure of the organization, claiming that once the structure is changed, attitudes and performance will follow.<sup>37</sup>

On the contrary, the other approach to organizational change is the human behavior approach. Other similar terms currently used include power equalization, eupsychian management and participation. All refer to a set of efforts to affect organizational change through change in people. This

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<sup>36</sup>Harold Leavitt, "Applied Organizational Change in Industry," in Handbook of Organization, ed. James March (Chicago: Rand McNally, 1965), pp. 114-170.

<sup>37</sup>Eliot Chapple and Leonard Sayles, The Measure of Management (New York: The Macmillan co., 1961), p. 69.

approach attempts to change organizations by first influencing attitudes, values, and norms. It is here that the structural approach is believed to follow. The primary function of this approach is to reeducate. The major aim of reeducation is to provide participants with a new cognitive framework for viewing interpersonal and intergroup relations, and, at the same time for building a set of collaborative relations among task-interdependent participants. The people orientation, with its emphasis on reeducation, has, over the years, taken a new label; organizational development. As a general rule, it always concentrates on values, attitudes, and the organizational climate.<sup>38</sup>

As a result, these two general organizational developmental strategies attempt to move the organization from what is termed as a mechanical system to an organic one. Mechanical systems are characterized by authority--obedience relationships, centralized decision making, and the avoidance of conflict. However, organic systems have opposite characteristics. While both systems are

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<sup>38</sup>Herbert Shepard, "Changing Interpersonal and Inter-Group Relationships in Organizations," in Handbook of Organizations, ed. James March (Chicago: Rand McNally, 1967), pp. 1115-144.

abstractions, the basic idea is that organic organizations are more able to change than are mechanistic organizations.

In reviewing organizational development models, two have been most noticeable. The first is a model based on the notion of interpersonal competence and its relationship to organizational effectiveness. This model implies a fusion process by which both the individual and the organization "simultaneously obtain maximum self-actualization."<sup>39</sup> The second organizational program is that called the "managerial grid." This model identifies five theories of managerial behavior based on two key variables found in organizations. The first variable reflects concern for production or output; the other variable is a concern for people.<sup>40</sup>

#### Organizational Model

Since the implementation of the FLSA into EOA, Inc., will have major impact on exempt employees, managers, and supervisors, it is suggested that other selected agencies

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<sup>39</sup>Chris Argyris, "Personality and Organization Theory Revisited," Administrative Science Quarterly (1973): 141-67.

<sup>40</sup>Robert Blake, "The Managerial Grid, Breakthrough in Organizational Development," Harvard Business Review (1964): 135-48.

implementing the FLSA or any other change agents within their organization should also implement the managerial grid model.

The managerial grid identified five theories of managerial behavior based on two key variables found in organizations. The first variable reflects concern for production or output; the other variable is the concern for people. Each variable is expressed on a scale ranging from 1, which represent minimal concern, to 9, which represents maximal concern. For example, a 1,1 style would represent a minimal concern for production and a minimal concern for people. A 9,1 style would depict maximal concern for human relationships. The scale of a 9,9 style, would represent maximal concern for both human relationships and for production. A 5,5 style is "middle of the road" in both areas of concern.<sup>41</sup> Illustration 1 from the Harvard Business Review shows an example of the managerial grid scale. The grid program has been worked out to the last detail and is sold as a prepackaged development program designed to be taught and applied by line managers over a period of six phases and at least three years. It should also be emphasized that the entire approach to organizational

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<sup>41</sup>Ibid., p. 136.

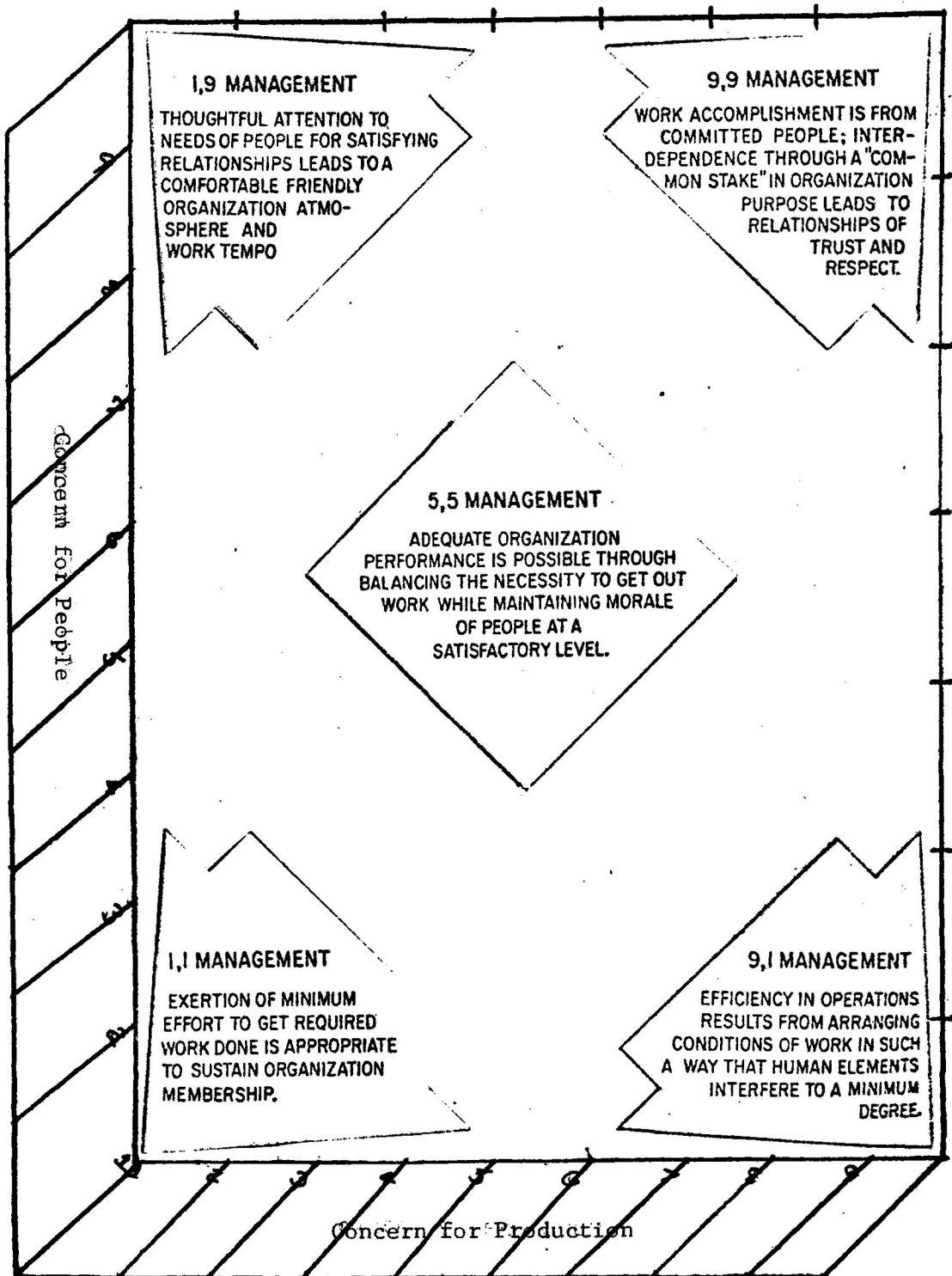


Illustration 1. The Managerial Grid



development is self-administered by management except for occasional consultation regarding major issues. As of now, the managerial grid approach has been used in both industry and government. For example, this model was implemented in Beeket's Industrial Plant from January, 1968 to August, 1971.<sup>42</sup> Also, the implementation of "theories of changing" has been further heightened by a recent United States Department of Health, Education and Welfare report.<sup>43</sup>

Briefly, the six phases are:

- Phase 1: Structural learning laboratory with one week away from the plant in which inter-personal education is emphasized;
- Phase 2: Team building with functional groups;
- Phase 3: Interteam building with work toward the integration between function groups;
- Phase 4: Goal setting for the organization;
- Phase 5: Goal implementation
- Phase 6: Stabilization of change and a continuing monitoring of progress.

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<sup>42</sup>Michael Tushman, Organizational Change: An Exploratory Study and Case History (Ithaca, N.Y.: New York State School of Industrial and Labor Relations, Cornell University, 1974), pp. 2-53.

<sup>43</sup>U.S. Department of Health, Education, and Welfare, Work in America (Cambridge, Massachusetts: Institute of Technology, 1973), p. 111.

It is suggested that once managers have studied the classroom material accompanying the grid, it is possible for them to revise practices and procedures so as to work toward a 9,9 organizational climate. Although Phase #1 is not intended to produce immediate organizational improvement, it does serve as the trigger which creates a readiness to work on human problems of production. The participation in a Grid Seminar is set up so as to include a "diagonal slice" of the organization chart (see EOA's Organizational Chart, Appendix F). No individual is in the same group as his or her boss or immediate work colleagues. But at the same time, this diagonal slice arrangement permits many organizational levels and departments to be represented in each session.

Phase #2 represents an on-the-job extension of Phase #1. The general 9,9 concepts and personal learning of the Grid Seminars are transferred to the job situation after each work group or department decides on its own 9,9 ground rules and relationships. However, team development usually starts with the boss and their immediate subordinates exploring their managerial styles and operating practices as a work team. Taken together, Phases #1 and 2 provide management development conditions which are designed to:

...enable managers to learn managerial grid concepts as an organizing framework for thinking about management practices;

...increase the self-examination of personal performance characteristics;

...increase a manager's willingness to listen to facts and to appreciate work-related conflict, to reduce and work out interpersonal frictions, and to reject compromise as a basis for organizational decision making;

...build improved relationships between groups, among colleagues at the same level, and between superiors and subordinates;

...make managers more critical of outworn practices and precedents while extending their problem-solving capacities in interdependent situations. Words like 'involvement' and 'commitment' become real in terms of day-to-day tasks.<sup>44</sup>

The third phase of intergroup development involves group-to-group working relationships and focuses on building 9,9 ground rules and norms beyond the single work group. Situations are established whereby operating tensions that happen to exist between groups are identified and explored by group members and/or their representatives. The goal is to move from an appallingly common "win-lose" pattern to a joint problem solving activity. This seems to be possible when competing groups work their problems through to resolution using intergroup procedures developed in behavioral

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<sup>44</sup>Blake, "The Managerial Grid," p. 137.

science studies. Some of the more typical reasons for resistance to change have been identified by research when persons affected by change are not involved in the planning, when an appeal for change is based on personal reasons, and when there is poor communication regarding the change.<sup>45</sup>

As a result, this brings in the issue of the next phase, Phase #4, that of organizational goal setting, which involves issues of major importance to all managers. Organization development moves beyond team areas into problems that require commitment at all levels. These problems are identified by special task groups which may again come from a "diagonal slice" of the agency organization chart. Also, these departmental groups may also help define goals and assign roles. This goal proves to be practical when managers who must implement them also establish responsibilities for implementation. The commitment gained from these goal-setting procedures assume to avoid the concept of a resistance to change.

Goal Attainment, the fifth phase in the Managerial Grid Scale, uses some of the same educational procedures used in Phase #1, but here the issues are of major

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<sup>45</sup>Gordon L. Lippitt, Organizational Renewal (New York: Meredith Corporation, 1965), pp. 145-46, 169.

organizational concern. For example, when problem areas are defined by the special task groups, other teams are set up throughout the organization. These teams are given a written "task paragraph" which describes the problem and the goal.

Team members are also given packets of information on the issue under discussion. This information is usually studied over-night, after which individual managers check themselves on a true-false test designed by the special task group. Once individuals have studied the information and the test, the teams begin discussion on the same items, checking their agreed-on-answers against an answer key. This way, agreements are reached on the nature of the problem and its key dimensions. From this point on, the team members work toward corrective steps. They also begin to assign responsibility for these corrective action steps. Phase #5 also relies on managers serving as coordinators during Phases #4 and 5. Their primary goal is to help achieve the goals set during Phase #4. As a result, their secondary aim is to help identify previously unrecognized problems. The final phase, that of stabilization, is designed to support the changes brought about in earlier phases. These changes are assessed and reinforced so as to

withstand pressures toward "slip back" and regression.<sup>46</sup>

Although Grid Seminars are sometimes compared with "T-Group" or "sensitivity training," the two training experiences are quite different. The strongest similarity comes in the face-to-face feedback experiences of Phase #1. However, the Managerial Grid Seminar takes a more structural approach by focusing on managerial styles rather than on personal behavior characteristics which may or may not be related to management.

The FLSA has been amended four times to date (1949, 1955, 1956, and 1974). However, there has been no established patterns as to the amount of increase in minimum wages each time Congress amends the act or extended coverage to agencies with gross annual sales of \$250,000 and some governmental agencies. As a result of this study, the researcher has concluded that all selected agencies implementing the FLSA should adhere to the following recommendations. These recommendations are based on the notion that the scope of the FLSA will eventually cover all agencies in the future:

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<sup>46</sup>Blake, "The Managerial Grid," p. 138.

Recommendations

1. Agencies not yet under the scope of the FLSA should stay within close proximity of the FLSA. This would involve diversifying individual employee's schedules to fit the forty hours per week requirements and to develop records and forms.
2. Selected agencies should reclassify all employees as to whether they are non-exempt or exempt employees even though they are not already under the scope of the FLSA.
3. Agencies eventually coming under the scope of the FLSA should pay all employees over the minimum wage of \$2.20 per hour.
4. Agencies implementing the FLSA should introduce the science of planned organizational change. Since the implementation of the FLSA will have major impact on exempt employees, the Managerial Grid concept could be used as a model for implementing the FLSA.

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Office, 26th Floor, Atlanta, Georgia, June, 1976.

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## A P P E N D I C E S

CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

## APPENDIX A

<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>* FLSA</u>	
ACCOUNTING TECHNICIAN I	CLERICAL	13	NE	
ACCOUNTING TECHNICIAN II	PROFESSIONAL	15	NE	
ACCOUNTING TECHNICIAN III	PROFESSIONAL	17		E
ADMINISTRATIVE ASSISTANT	CLERICAL	15	NE	
ADVOCATE (EDT)	PARA-PROFESSIONAL	10	NE	
ALCOHOL FAMILY CENTER THERAPIST	PROFESSIONAL	22		E
ALCOHOL STAFF THERAPIST	PROFESSIONAL	22		E
ALCOHOLISM COUNSELOR	PROFESSIONAL	19		E
ALCOHOLISM TECHNICIAN	PROFESSIONAL	14	NE	
ASSESSMENT CLERK (EDT)	CLERICAL	11	NE	
ASSISTANT COORDINATOR-COMMUNITY ORGANIZATION	PROFESSIONAL	20		E
ASSISTANT COORDINATOR-SOCIAL SERVICES	PROFESSIONAL	20		E
ASSISTANT COORDINATOR-YOUTH ORGANIZATION	PROFESSIONAL	20		E
ASSISTANT DIRECTOR ACCOUNTING	PROFESSIONAL	24		E
ASSISTANT DIRECTOR-CHILD DEVELOPMENT	MANAGEMENT	24		E
ASSISTANT DIRECTOR-DIVISION ADMINISTRATIVE SERVICES	ADMINISTRATIVE	28		E
ASSISTANT DIRECTOR-DIVISION PROGRAM OPERATIONS	ADMINISTRATIVE	28		E
ASSISTANT DIRECTOR-FINANCE	MANAGEMENT	27		E
ASSISTANT DIRECTOR-MANPOWER	MANAGEMENT	27		E
ASSISTANT DIRECTOR-NSCO	MANAGEMENT	27		E
ASSISTANT DIRECTOR-PERSONNEL	MANAGEMENT	28		E
ASSISTANT DIRECTOR-PROCUREMENT	MANAGEMENT	16		E
ASSISTANT DIRECTOR-PUBLIC INFORMATION	PROFESSIONAL	20		E
ASSISTANT DIRECTOR-SENIOR OPPORTUNITIES & SERVICES PROGRAM	PROFESSIONAL	20		E

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CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

PAGE 2

<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>* FLSA</u>
BUYER	SPECIAL SERVICES	15	NE
CASE MANAGER	MANAGEMENT	17	E
CASE MANAGER ASSISTANT	PARA-PROFESSIONAL	11	NE
CENTER COORDINATOR	MANAGEMENT	17	E
CENTER DIRECTOR I		22	E
CENTER DIRECTOR II		24	E
CENTER DIRECTOR-CHILD DEVELOPMENT		17	E
CENTRAL RECORDS UNIT SPECIALIST		17	NE
CLERK TYPIST I		5	NE
CLERK TYPIST II		7	NE
CLERK TYPIST III		10	NE
CLINICAL SERVICE SUPERVISOR (DRUG)	PROFESSIONAL	23	E
COMMUNITY ASSISTANT	PARA-PROFESSIONAL	7	NE
COMMUNITY ENABLER-DRUG PROGRAM	PARA-PROFESSIONAL	6	NE
COMMUNITY ORGANIZATION SPECIALIST	PROFESSIONAL	17	E
COMMUNITY ORGANIZER (RODENT CONTROL)	PROFESSIONAL	15	NE
CONTRACT OFFICER	PROFESSIONAL	22	E
COOK	SERVICE/MAINTENANCE	5	NE
COORDINATOR-ASSESSMENT	PROFESSIONAL	19	E
COORDINATOR-CAREER DEVELOPMENT AND EDUCATION	PROFESSIONAL	19	E
COORDINATOR-COMMUNITY ORGANIZATION	PROFESSIONAL	20	E
COORDINATOR-CONTRACT SERVICES	PROFESSIONAL	16	E
COORDINATOR-EMPLOYABILITY DEVELOPMENT TEAM (EDT)	PROFESSIONAL	20	E
COORDINATOR-FOSTER GRANDPARENTS	PROFESSIONAL	17	E
COORDINATOR-INDIVIDUAL & REFERRAL	PROFESSIONAL	21	E
COORDINATOR-INTAKE	PROFESSIONAL	19	E
COORDINATOR-PARENT INVOLVEMENT AND VOLUNTEER SERVICES	PROFESSIONAL	19	E
COORDINATOR-PROJECT FOCUS	PROFESSIONAL	22	E

CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

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<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>*FLSA</u>
COORDINATOR-SOCIAL SERVICES (NSCO)	PROFESSIONAL	23	E
COORDINATOR-SOCIAL SERVICES (CHILD DEVELOPMENT)	PROFESSIONAL	16	E
COORDINATOR-SPECIAL PROJECTS	PROFESSIONAL	23	E
COORDINATOR-SUPPORTIVE SERVICES	PROFESSIONAL	19	E
COORDINATOR-YOUTH DEVELOPMENT	PROFESSIONAL	24	E
CREW CHIEF	SPECIAL SERVICES	6	NE
COUNSELOR-AREP	PROFESSIONAL	17	NE
COUNSELOR-CAREER DEVELOPMENT	PROFESSIONAL	17	NE
COUNSELOR-DRUG PROGRAM	PROFESSIONAL	14	NE
COUNSELOR-EMPLOYABILITY DEVELOPMENT TEAM	PROFESSIONAL	17	NE
COUNSELOR-FOSTER GRANDPARENTS	PROFESSIONAL	17	NE
COUNSELOR-JOB CORPS	PROFESSIONAL	14	NE
COUNSELOR-WORK EXPERIENCE COMPONENT	PROFESSIONAL	17	NE
CURRICULUM ASSISTANT	PROFESSIONAL	18	NE
CUSTODIAN	SERVICE/MAINTENANCE	5	NE
DATA ANALYST	PROFESSIONAL	14	NE
DEPARTMENTAL AUDITOR	PROFESSIONAL	17	NE
DEPUTY ADMINISTRATOR	ADMINISTRATIVE	37	E
DIRECTOR-ACCOUNTING	PROFESSIONAL	26	E
DIRECTOR-ALCOHOLISM PROGRAM	MANAGEMENT	24	E
DIRECTOR-APPLICATIONS	MANAGEMENT	24	E
DIRECTOR-AREP	PROFESSIONAL	22	E
DIRECTOR-CAREER DEVELOPMENT	MANAGEMENT	24	E
DIRECTOR-CHILD DEVELOPMENT	MANAGEMENT	26	E
DIRECTOR-COMMUNITY PROGRAM FOR THE AGED	MANAGEMENT	24	E
DIRECTOR-DIVISION-ADMINISTRATIVE SERVICES	ADMINISTRATIVE	32	E
DIRECTOR-DIVISION-PROGRAM OPERATIONS	ADMINISTRATIVE	32	E
DIRECTOR-DRUG PROGRAM	MANAGEMENT	30	E
DIRECTOR-EDUCATIONAL SERVICES	MANAGEMENT	30	E

CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

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<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>*FLSA</u>
DIRECTOR-EMPLOYABILITY TEAM COMPONENT	MANAGEMENT	26	E
DIRECTOR-FINANCE	ADMINISTRATIVE	31	E
DIRECTOR-FOSTER GRANDPARENT	MANAGEMENT	22	E
DIRECTOR-GARDENING PROGRAM	MANAGEMENT	25	E
DIRECTOR-HIGH SUPPORT COUNSELING PROGRAM	MANAGEMENT	23	E
DIRECTOR-MANPOWER PROGRAM	MANAGEMENT	28	E
DIRECTOR-NSCO	MANAGEMENT	28	E
DIRECTOR-PERSONNEL	MANAGEMENT	28	E
DIRECTOR-PLANNING & EVALUATION	PROFESSIONAL	28	E
DIRECTOR-PROCUREMENT	MANAGEMENT	26	E
DIRECTOR-PUBLIC INFORMATION	ADMINISTRATIVE	28	E
DIRECTOR-RODENT CONTROL	MANAGEMENT	28	E
DIRECTOR-SENIOR OPPORTUNITIES AND SERVICES PROGRAM	MANAGEMENT	22	E
DIRECTOR-VETERAN'S PROGRAM	MANAGEMENT	24	E
DIRECTOR-WORK EXPERIENCE	MANAGEMENT	24	E
DISBURSING OFFICER	PROFESSIONAL	22	E
DISPATCHER & TRANSPORTATION SUPERVISOR	SPECIAL SERVICES	13	NE
DRIVER	SERVICE/MAINTENANCE	5	NE
EMERGENCY SERVICES TECHNICIAN	PARA-PROFESSIONAL	5	NE
EMPLOYEE BENEFITS SPECIALIST	SPECIAL SERVICES	23	E
ENVIRONMENTAL FIELD WORKER	PARA-PROFESSIONAL	6	NE
EQUAL OPPORTUNITY OFFICER	PROFESSIONAL	22	E
EVALUATION ANALYST	PROFESSIONAL	22	E
EVALUATION & REFERRAL COUNSELOR	PROFESSIONAL	17	NE
EVALUATION SPECIALIST	PROFESSIONAL	16	NE
EXECUTIVE ADMINISTRATOR	ADMINISTRATIVE	40	E

CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

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<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>*FLSA</u>
FIELD SUPERVISOR-RODENT CONTROL	SPECIAL SERVICES	11	NE
FISCAL & CONTRACT OFFICER	PROFESSIONAL	24	NE
GRANTS & RECORDS OFFICER	PROFESSIONAL	26	NE
GROUP COUNSELOR (HIGH SUPPORT)	PROFESSIONAL	19	NE
HEALTH COORDINATOR	PROFESSIONAL	19	E
HEALTH COUNSELOR	PROFESSIONAL	16	NE
HEALTH EDUCATOR ASSISTANT	PARA-PROFESSIONAL	6	NE
HOME-BASE SUPERVISOR	PROFESSIONAL	21	E
HOME VISITOR	PARA-PROFESSIONAL	13	NE
HOUSEKEEPER-CHILD DEVELOPMENT	SERVICE/MAINTENANCE	5	NE
INDIVIDUAL REFERRAL REPRESENTATIVE (EDT)	PROFESSIONAL	18	E
INFORMATIONAL & RESEARCH SPECIALIST	PROFESSIONAL	22	E
INTAKE ASSISTANT	PARA-PROFESSIONAL	12	NE
INTAKE COORDINATOR	PROFESSIONAL	19	E
INTERNAL AUDITOR	PROFESSIONAL	24	E
JOB DEVELOPER	PROFESSIONAL	21	E
MANPOWER FOLLOW-UP TECHNICIAN	PARA-PROFESSIONAL	8	NE
MANPOWER YOUTH ADVISOR	PARA-PROFESSIONAL	8	NE
MESSENGER CLERK	PARA-PROFESSIONAL	5	NE
NEIGHBORHOOD CONSUMER ADVISOR	PARA-PROFESSIONAL	7	NE
NUTRITION COORDINATOR (CHILD DEVELOPMENT)	PROFESSIONAL	16	E
OUTREACH/FOLLOW-UP WORKER	PARA-PROFESSIONAL	7	NE
OUTREACH WORKER	PARA-PROFESSIONAL	10	NE
PARENT INVOLVEMENT & VOLUNTEER COORDINATOR	PROFESSIONAL	19	E



CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

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<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>*FLSA</u>
PERSONNEL ASSISTANT I	SPECIAL SERVICES	12	NE
PERSONNEL ASSISTANT II	SPECIAL SERVICES	16	NE
PERSONNEL ASSISTANT III	SPECIAL SERVICES	19	E
PERSONNEL OFFICER	PROFESSIONAL	27	NE
PLANNING ASSISTANT	PROFESSIONAL	22	NE
PLANNING & DEVELOPMENT OFFICER	PROFESSIONAL	24	NE
PROGRAM ASSISTANT I	SPECIAL SERVICES	17	NE
PROGRAM ASSISTANT II	SPECIAL SERVICES	19	E
PROGRAM ASSISTANT III	SPECIAL SERVICES	22	E
PROGRAM ASSISTANT IV	SPECIAL SERVICES	24	E
PROJECT DIRECTOR-GARDENING	MANAGEMENT	25	E
PROJECT DIRECTOR-FOSTER GRANDPARENTS	MANAGEMENT	20	E
PROJECT DIRECTOR-JOB CORPS	MANAGEMENT	20	E
PROPERTY CONTROL CLERK	SERVICE/MAINTENANCE	6	NE
PUBLIC INFORMATION SPECIALIST	CLERICAL	10	NE
RECEPTIONIST	CLERICAL	5	NE
RECRUITMENT & EMPLOYMENT SPECIALIST	PROFESSIONAL	24	NE
RESEARCH ANALYST	PROFESSIONAL	22	E
RESIDENT MANAGER	SPECIAL SERVICES	7	NE
SECRETARY I	CLERICAL	10	NE
SECRETARY II	CLERICAL	12	NE
SECRETARY III	CLERICAL	14	NE
SECRETARY IV	CLERICAL	16	NE
SENIOR DRUG ABUSE COUNSELOR	PROFESSIONAL	14	NE
SENIOR STAFF NURSE	SPECIAL SERVICES	17	E
SERVICE MANAGER	PROFESSIONAL	19	E
SITE MANAGER I	PROFESSIONAL	13	NE
SOCIAL SERVICES COUNSELOR	PROFESSIONAL	17	E

CLASSIFICATION AND COMPENSATION SCHEDULE  
ALPHABETICAL LIST OF JOB TITLES AND SALARY SCHEDULE

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<u>JOB TITLE</u>	<u>GROUP</u>	<u>SALARY RANGE</u>	<u>* FLSA</u>	
STOCK RECORDS ACCOUNTANT	SPECIAL SERVICES	12	NE	
SUPPORTIVE SERVICES ASSISTANT	PARA-PROFESSIONAL	10	NE	
TEACHER AIDE	PARA-PROFESSIONAL	5	NE	
TEACHER I	PARA-PROFESSIONAL	6	NE	
TEACHER II	PROFESSIONAL	12	NE	
TEACHER III	PROFESSIONAL	13		E
TRAINING OFFICER	PROFESSIONAL	22		E
TREATMENT CENTER MANAGER-COUNSELING CENTER	MANAGEMENT	22		E
TREATMENT CENTER MANAGER-THERAPEUTIC	MANAGEMENT	24		E
VECTOR CONTROL SPECIALIST	SPECIAL SERVICES	22		E
VETERAN'S COUNSELOR	PROFESSIONAL	17	NE	
VOCATIONAL COUNSELOR	PROFESSIONAL	17	NE	
VOLUNTEER PROGRAM OFFICER	PROFESSIONAL	22		E
YOUTH WORKER	PROFESSIONAL	16	NE	

\*FLSA - Fair Labor Standards Act - Federal Regulations

E - Exempt from overtime compensation

NE - Non - Exempt

## APPENDIX B

### INTERVIEW

AGENCY: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

1. Give a brief history of the agency and its function.
2. When was FLSA implemented into the agency?
3. What were some of the problems in implementing the law?
4. What were the administrative processes?
5. What were some of the advantages and disadvantages of implementing FLSA?
6. How did FLSA affect employees' attitudes as well as those of managers and supervisors?

INTERVIEW--Continued

Agency: \_\_\_\_\_

7. Give number of employees.

8. Give source of funding.

Comments:

ECONOMIC OPPORTUNITY ATLANTA, INC.

2/26/76

LOCATION \_\_\_\_\_

[illegible]

FAIR LABOR STANDARDS ACT  
CHECKSHEET

JOB CLASSIFICATION \_\_\_\_\_

Instructions: Listed below are some of the criteria to use in determining whether or not an employee's job classification is "eligible" or "ineligible" for overtime under the Fair Labor Standards Act.

Please consider each question for each job classification in your department. After you have finished this checksheet, it will be reviewed with you during a personal conference with Mrs. Barbara Parks, Personnel Assistant III, from Employee Services. Your recommendations should be signed by you and will be kept on file in Employee Services after implementation of the Fair Labor Standards Act throughout the agency.

Salary:

- |   | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Does employee earn under \$155 per week? | ___        | ___       |
| 2. Does employee earn over \$250 per week?  | ___        | ___       |

DUTIES & RESPONSIBILITIES:

- |   |     |     |
|---|-----|-----|
| 1. Does employee perform routine duties such as filing?                                 | ___ | ___ |
| 2. Does employee work directly under close supervision?                                 | ___ | ___ |
| 3. Does employee manage division, department or unit?                                   | ___ | ___ |
| 4. Does employee supervise others?  | ___ | ___ |
| 5. Does employee have authority to hire, fire, give evaluations?                        | ___ | ___ |
| 6. Does employee customarily exercise discretion and independent judgment?              | ___ | ___ |
| 7. Does employee regularly assist the executive, division director, or department head? | ___ | ___ |
| 8. Does work require advanced knowledge (college degree)?                               | ___ | ___ |

Signed by: \_\_\_\_\_ Title \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX D

WORK SCHEDULE  
Economic Opportunity Atlanta, Incorporated

TIMEKEEPER \_\_\_\_\_

EMPLOYEE'S NAME \_\_\_\_\_

APPROVED BY \_\_\_\_\_

ADDRESS \_\_\_\_\_

BEGINNING DATE \_\_\_\_\_

ENDING DATE \_\_\_\_\_

AD-Administrative Leave  
R-Regular Time  
A-Annual Leave  
S-Sick Leave  
NP-No Pay Leave

	Morning		Afternoon		Evening 5:00p.m.		Total Hours				
	In	Out	In	Out	In	Out	AD	R	A	S	NP
1st Week											
FRIDAY											
SATURDAY											
SUNDAY											
MONDAY											
TUESDAY											
WEDNESDAY											
THURSDAY											
FRIDAY											
SUB TOTAL											
2nd Week											
FRIDAY											
SATURDAY											
SUNDAY											
MONDAY											
TUESDAY											
WEDNESDAY											
THURSDAY											
FRIDAY											
GRAND TOTAL											

EMPLOYEE'S SIGNATURE \_\_\_\_\_

## APPENDIX E

LEAVE AND OVERTIME AUTHORIZATION

I, \_\_\_\_\_, hereby, request authorization to work overtime on a compensatory basis,         ; overtime pay basis         ; on the day of \_\_\_\_\_ for \_\_\_\_\_ hours for the following reasons:

Approved ☐ Disapproved ☐ \_\_\_\_\_  
Date Department Head

Approved ☐ Disapproved ☐ \_\_\_\_\_  
Date Executive Administrator

=====

I hereby request leave of absence with pay charged to my accumulated Annual Leave         ; Compensatory Time         ; Sick Leave         ;

from \_\_\_\_\_ a.m. \_\_\_\_\_ to \_\_\_\_\_ p.m. \_\_\_\_\_  
(Hour) (Date) (Hour) (Date)

COMMENTS:

\_\_\_\_\_  
Employee's Signature

Approved ☐ Disapproved ☐ \_\_\_\_\_

\_\_\_\_\_  
Department Head

Approved ☐ Disapproved ☐ \_\_\_\_\_

\_\_\_\_\_  
Executive Administrator



ORGANIZATIONAL CHART  
ECONOMIC OPPORTUNITY ATLANTA, INC.

APPENDIX F

